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Committee on Homeland Security

Subcommittee on Transportation Security and Infrastructure Protection

Hearing

“Lost In the Shuffle: Examining TSA’s Management of Surface Transportation
Security Inspectors”

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Testimony of the American Bus Association

Clyde J. Hart, Jr. Senior Vice President for Government Affairs and Policy

Chairman Jackson-Lee and members of the subcommittee, my name is Clyde Hart and I am the Senior Vice President for Government Affairs and Policy of the American Bus Association (ABA). First of all, Chairman Jackson-Lee, the ABA would like to applaud your leadership in holding this hearing. Security is our number one concern and we share with you your insistence that we all do everything we can to improve the security of the transportation system and infrastructure that so many of the nation’s citizens depend upon every day.

The ABA is the trade association for the private over-the-road bus and motorcoach industry. The association is comprised of some 3500 member organizations and companies including one thousand motorcoach operators. There are approximately 3800 privately operated motorcoach companies in the United States. The ABA motorcoach companies provide all manner of transportation services to the nation. These services include scheduled service, charter and tour, commuter services, and airport shuttle operations.

ABA members are large (Greyhound Lines, Coach America domiciled in Dallas, Texas; Coach USA, in New Jersey) but other than a handful, are mostly small family owned businesses (Transbridge Lines in Pennsylvania and Indian Trails in Michigan with fleet sizes of about 70 motorcoaches). In fact, the vast majority of bus companies operate between two and ten motorcoaches. The motorcoach industry is varied in many other ways. For example, some 28,000 motorcoaches provide access to all critical infrastructure and key resources in the nation. In addition, there are approximately 1200 identified station/terminal locations for intercity fixed route operations. Over the past

several years there has also been a rapid growth in intercity on-demand/curbside pickup service. A recent New York Times article noted with cuts in airline flights and “ridership on trains...relatively flat” bus transportation has grown 15% in the last two years (“The Humble Bus Takes Off”. New York Times, Sunday, July 25, 2010, Travel Section, pg. 3). A copy of this article is appended to my testimony. Moreover, these same trends in other transportation modes have fueled growth in charter and tour services which continues to provide the greatest portion of the industry’s annual revenue. Finally, over the past decade we have also seen a rapid growth in urban/suburban commuter service. What binds all of the bus operators together is our ability and expertise in safely and efficiently transporting people throughout the nation. All tolled in the past year private bus and motorcoach operators provided service to 750 million passenger trips, more than the domestic airlines. And the industry does all of this with only 0.06 percent of all federal funding for transportation.

As you will imagine, given our responsibilities, safety and security is the industry’s first priority and ABA strongly supports the efforts by Congress to enhance security for bus transportation by creating a level playing field, where all bus companies operate under consistent security policies and training standards. ABA and its members are well aware that globally buses and bus facilities are an attractive target for terrorists, as the large number of such attacks over the past decades clearly demonstrates. Most recently, in a March 2010 report entitled: “Terrorist Attacks on Public Bus Transportation: A Preliminary Empirical Analysis” (MTI Report WP 09-01) the Mineta Transportation Institute reported that since 1970 buses and bus stations were the targets of more than 51% of the total number of attacks (p.19). We note that in the Mineta Report “public bus transportation” also includes the facilities, passengers and employees of private motorcoach companies.

The ABA, as the voice of the private bus industry has been a partner in providing security with the federal government since 9/11. Shortly after the attacks on 9/11 ABA worked with this Committee and with the Appropriations Committee to implement an Intercity Bus Security Grant Program (IBSGP). The IBSGP is a small competitive grant program which allows bus operating companies to compete for grants to implement security measures to protect their passengers, employees and facilities. Since the Fiscal Year 2002 this program has seen ABA members use these funds, as well as their own money, to provide emergency communications between dispatch and emergency first responders; allowed bus companies to “wand” passengers at larger terminals; install cameras in bus staging areas and maintenance facilities and install engine “kill” devices on motorcoaches. The IBSGP, never funded at over \$12 million each year, is making a positive difference in our ability to protect those who depend on us.

But while ABA is proud of our accomplishments to date we recognize that we have more to do and we are concerned about several aspects of TSA’s on going efforts. Shortly after 9/11 transportation security efforts were conducted under the authority of the United States Department of Transportation (USDOT). One DOT project was a bus security threat/vulnerability study conducted by the Volpe Transportation Center. While

the complete content of the study remains classified, it did establish priorities for the hardening of both public and private bus transportation facilities as an aid to security. With the aid of grants from the IBSGP, ABA developed a detailed bus company security training program as well as a company security plan and vulnerability assessment template. Both of these tools are now under TSA control and are being revised. However, one ABA concern is that TSA's revisions are being driven by what is now a nine year old study.

Under the 9/11 Act Congress directed TSA to conduct a new threat/vulnerability assessment. In January 2009 ABA worked with TSA officials in the threat scenario evaluation portion of this project. To date there is no sign that this new study is near completion. This is the study that should be driving the forthcoming TSA regulations and any subsequent training or policy changes. I must also note here that for the past two years the federal Office of Management and Budget (OMB) has recommended eliminating the IBSGP on the ground that there is no threat/vulnerability assessment for the motorcoach industry. The ABA continues to argue that the need for such a program is great and other studies have documented the need for such a program, including the GAO's February 2009 report titled, "Risk-Based Approach Needed to Secure the Commercial Vehicle Sector". And as noted above the Mineta report clearly highlights the need for the IBSGP program. Even more fundamentally, ABA and its members believe that the evidence of risk to the industry is unavailable solely due to the lack of movement by TSA to complete the required threat/vulnerability study. TSA must finish this study and do so before there is any further action taken on motorcoach security regulations or the development of training standards. Failure to finish this study before regulations are announced will put the industry at risk of always lagging in security via "out of date" regulations.

In addition to our request for TSA to complete the threat/vulnerability study, ABA also has concerns regarding the lack of information sharing between TSA and the industry. Until five years ago ABA and industry operators were kept informed about security issues and emergency matters by DOT and then TSA personnel through initiatives and communications pathways such as HITRAC, Highway Watch, First Observer (which has no motorcoach module) and the Homeland Security Information Network (HSIN) to name a few. These and other regular sources of information ceased to provide updated security information to the motorcoach industry in the middle of 2007 and have not been reactivated. Our industry now relies solely on information from the Department of Homeland Security Infrastructure Protection private sector liaison officer. But it is ABA's belief that it and its members still lack vital information and no security program can be sustained if it is starved of up to date and accurate information. The industry does not receive any information on possible threats in which our expertise would be useful and perhaps vital. As one example, ABA notes a recent incident aboard a private motorcoach in Portsmouth, New Hampshire in which TSA specifically informed ABA that the association would not receive any information relating to the incident. The reason given was that the agency official "did not believe in broadcasting threats". The industry was left to watch the events unfold on the news. The partnership the industry had

is now decidedly one sided and ABA believes this turn of events is a detriment to the industry, the agency and the public.

Finally, ABA is concerned about the duplicative security efforts by two separate federal agencies. Motorcoach companies currently undergo safety audits conducted by the Federal Motor Carrier Safety Administration (FMCSA) to determine the carriers' fitness to operate. The TSA intends to establish a separate, parallel program to conduct security audits using its own cadre of TSIs. ABA's concern with this proposal is a matter of the proper use of resources. FMCSA and State safety inspectors operating under the Motor Carrier Safety Assistance Program (MCSAP) conducted some 3300 so-called compliance reviews on motorcoach companies between 2005 and 2008. In addition, it also conducts Security Contact Reviews (SCRs). This SCR program was previously called Security Sensitivity Visits (SSVs), of which FMCSA conducted approximately 30,000 between October 2001 and April 2002. These SCRs are primarily directed towards hazardous materials carriers that fit certain criteria, but they fundamentally include an assessment and verification of a company's security posture. In 2009, FMCSA conducted 1,958 security contact reviews. The FMCSA is funded at the level of \$400 million per year for safety inspections. Furthermore, the FMCSA and the States' inspectors are generally very familiar with bus companies operations. In sharp contrast, only 15 corporate security reviews were conducted by TSA on motorcoach companies from 2005-2008. It is safe to say that TSA inspectors, no matter how well trained, will not have the level of knowledge of the bus industry as their FMCSA colleagues.

From the ABA's perspective, safety and security are not mutually exclusive. Security is a component of safety. ABA made this concern known to TSA through comments submitted to the public docket on this issue in August of 2009, a copy of those comments are appended to this testimony. Also, appended to our comments is a copy of TSA's response to our filing. ABA continues to insist that there is no reason why the Corporate Security review process cannot be incorporated into the FMCSA safety process. It appears to ABA that it would take less funding to increase the scope of the FMCSA program than to fund a new separate program. In addition, the risks attendant with maintaining a separate data base that comes with a separate program is eliminated.

Since 9/11 the ABA has been in the first rank of the transportation industry stakeholders who have put security at the top of the list of concerns. Right after 9/11 the ABA incorporated security as a prime duty of the ABA's Bus Industry Safety Council (BISC), the ABA funded organization that is comprised of the safety and security directors of ABA member companies. Our members never forget that they are transporting someone's children, grandparents or breadwinner to work, home, medical care or on vacation. We want to do everything we can to ensure that our passengers, employees and citizens stay as safe and secure as possible. The ABA wants to assure you, Chairman Jackson-Lee, and the members of the Committee of our willingness to work with you at every turn.

Thank you and I am happy to answer any questions.

Clyde J. Hart, Jr.
Senior Vice President for Government Affairs and Policy
American Bus Association
700 13th Street, NW
Suite 575
Washington, D.C. 20004
202.218-7228
chart@buses.org